

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re: JENNIFER LOWE,
Debtors.

CASE NO.: 6:14-bk-00512-ABB

**ORDER GRANTING DEBTOR'S VERIFIED MOTION FOR AN ORDER
STRIPPING THE PRE-PETITION ASSESSMENTS LIEN IN FAVOR OF
HOLLOWBROOK HOMEOWNERS ASSOCIATION, INC.**
(*re* 3358 S. St. Lucie Dr., Casselberry, FL 32707)

THIS CAUSE having come before the Court without a hearing upon the Debtors' Verified Motion for an Order Stripping the Pre-Petition Assessments Lien in Favor of HOLLOWBROOK HOMEOWNERS ASSOCIATION, INC. ("HOLLOWBROOK HOA"), or its Successors and/or Assigns, and for a Determination that any Pre-Petition Assessments Claim in this Case, as Related to the Declaration and Lien on the Debtors' Real Property, is Wholly Unsecured (Doc No. 32); the Court having reviewed the subject Motion and the Court file, and, the Court having noted that:

1. The Motion was served upon all interested parties with the Local Rule 2002-4 negative notice legend informing the party of its opportunity to object within thirty (30) days of the date of service.

2. HOLLOWBROOK HOA did not file a response or objection to said Motion.

3. The Court, therefore, considers the matter unopposed;

**IT IS THEREFORE,
ORDERED AND ADJUDGED:**

1. That the Debtors' Verified Motion for an Order Stripping Second Mortgage Lien in Favor of HOLLOWBROOK HOA (Doc. No. 32) is **GRANTED**.

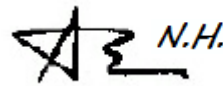
2. That the Association lien of HOLLOWBROOK HOA, or its successors and/or assigns, as an encumbrance upon the real property located at 3358 S. St. Lucie Dr., Casselberry, FL 32707.

LOT 271, HOLLOWBROOK WEST PH IV, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 36, PAGES 77-79, INCLUSIVE, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA (THE "**REAL PROPERTY**"), AND SUCH Pre-Petition Assessments due as set forth in the Declaration of Covenants, Conditions and Restrictions for HOLLOWBROOK HOA, recorded in Official Records Book 1654, Page 349, as the same may have been amended from time to time, of the Public Records of Seminole County, Florida ("**Assessments**"), together with that certain Notice and Claim of Lien recorded on January 26, 2012, in Official Records Book 7640, page 686, of the Public Records of Seminole County, Florida ("**Lien**"), together with that Notice of Lis Pendens recorded May 16, 2012, in Official Records Book 7772, Page 701 ("**LP**"), together with that certain Final Summary Judgment for Foreclosure, recorded December 5, 2013 in Official Records Book 8172, Page 1800 ("**Judgment**"), all of the Public Records of Seminole County Florida. (The Assessments due pre-petition, the Lien, the LP and the Judgment shall hereinafter be referred to collectively as the "**Pre-Petition Assessments**") is hereby stripped and considered void pursuant to 11 USC 506(d) upon entry in this case of an Order of Discharge. (The Assessments due pre-petition, the Lien, the LP and the Judgment shall hereinafter be referred to collectively as the "**Pre-Petition Assessments**").

3. Because senior mortgage liens exceed the value of the property, any claim filed in this case by HOLLOWBROOK HOA, or its successors and/or assigns, shall be treated as a general unsecured claim.

4. HOLLOWBROOK HOA's Lien for Pre-Petition Assessments is void and automatically extinguished pursuant to 11 USC 506(d) upon entry of an Order of Discharge pursuant to 11 U.S.C. § § 727, 1141, or 1328.

DONE and ORDERED in Orlando, Florida, this 23rd day of September, 2014.

A handwritten signature in black ink, appearing to be 'AB' followed by a stylized flourish, with the initials 'N.H.' written in blue ink to the right.

ARTHUR B. BRISKMAN
United States Bankruptcy Judge

Attorney, Charles Price, is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.